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# Sim & McBurney

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July 6, 1999

**BY COURIER**

The Commissioner of Patents  
And Trademarks,  
Washington, D.C. 20231,  
U.S.A.

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JUL 23 1999

Dear Sir:

Publishing Division  
Corres/Allowed Files (05)

Re: U.S. Patent Application 09/190,246  
Mark Parrington et al  
ALPHA VIRUS VECTORS FOR  
PARAMYXOVIRUS VACCINES  
Art Unit: 1642

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AUG - 4 1999  
TC 1600 MAIL ROOM

We refer to your correspondence of June 21, 1999 comprising:

1. Notice of Incomplete Reply
2. Notice of Incomplete Application

The first document refers to a reply to a Notice to File Missing Parts dated April 27, 1999. As far as the undersigned can ascertain, no Notice to file Missing Parts has been received on this application and hence there has been no reply.

Applicants have submitted a Petition Under 37 CFR 1.48 to Correct Inventorship sent by courier on April 22, 1999 to the U.S. Patent Office and perhaps it is to this document that you refer. Since no Notice to File Missing Parts has been received, it is logical that applicant may not have provided all the necessary parts which such a response would require.

Both the Notice of Incomplete Reply and Notice of Incomplete Application refer to the specification as lacking claims. The specification as forwarded to our Arlington associate for filing included claims 1 to 38 on pages 29 to 34 of the specification, according to our file copy.

In response to these Notices, submitted herewith are:

330 University Avenue  
6th floor  
Toronto, Canada  
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Cable "Simbas" Toronto  
Fax (416) 595-1163  
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SENIOR CONSULTANT  
PETER W. MCBURNEY  
TECHNICAL ASSISTANTS  
JEFFREY W. WONG, B.Sc.E.E.  
URSULA M. MCGUINNESS, Ph.D.

1. Copy of claims on pages 29 to 34 of the specification,
2. Cheque in the amount of the Surcharge Fee,
3. Copy of each Notice.

The Notice of Incomplete Application refers to a response being required within two months of the date of that Notice and is presumed to be the governing date, even though the Notice of Incomplete Reply indicates that the period for reply remains as set forth in the Notice to File Missing Parts.

Yours very truly,

M.I. Stewart  
M.I. Stewart  
Reg. No. 24,973

Encl.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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DATE MAILED:

### NOTICE OF INCOMPLETE APPLICATION

A filing date has NOT been assigned to the above identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items, unless otherwise indicated, must be submitted within TWO MONTHS of the date of this Notice, or proceedings on the application will be terminated (37 CFR 1.53 ( )).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the items required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.1 7(i)). If the petition states that the application is complete, a request for refund of the petition fee may be included in the petition.

1. The specification (description and claims):  
 a. is missing.  
 b. does not include a written description of the invention.  
 c. does not include at least one claim as prescribed by 35 U.S.C. 112.  
*A complete specification (including at least one claim in a nonprovisional application) as prescribed by 35 U.S.C. 112 is required.*
2. The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented."  
*Applicant should reconsider whether drawings are necessary under 35 U. S. C. 113 (first sentence).*
3. OTHER: \_\_\_\_\_

Additional observations on the above-identified application papers:

1. Pages \_\_\_\_\_ of the specification are missing.  
 2. Figures \_\_\_\_\_ described in the specification are missing.

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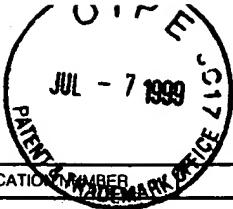
Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

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- Enclosed:  
 "General Information Concerning Patents." See page \_\_\_\_\_.  
 "Notice to File Missing Parts of Application," Form PTO-1532.  
 "Checklist for Patent Applications."  
 Other: \_\_\_\_\_

**A copy of this notice MUST be returned with the reply.**



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARK  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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SEARCHED  
SERIALIZED  
FILED  
TELETYPE  
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ACK'D MAIL

DATE MAILED:

08/19/99

NOTICE OF INCOMPLETE REPLY  
(Filing Date Granted)

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The reply filed on 07/22/99 to the

JUL 22 1999

- Notice to File Missing Parts (Notice)  
 Notice to File Corrected Application Papers (Notice)

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mailed on 07/22/99 has been entered into the application. The reply, however, is incomplete for the following reason(s).

1. The filing fee required by the Notice has not been received. The amount of \$ \_\_\_\_\_ is due.  
 2. The surcharge of \$ \_\_\_\_\_ has not been received.  
 3. The oath or declaration for this nonprovisional application has not been received.  
 4. A \$50 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).  
 5. The oath or declaration for this nonprovisional application is not executed in compliance with 37 CFR 1.64(a) because:  
 a. The inventor's signature is missing.  
 b. The signature is missing for inventor(s) \_\_\_\_\_  
  
 c. The application is one filed under 37 CFR 1.42, 1.43, or 1.47, and the oath or declaration is not executed by the person(s) qualified to make the oath or declaration.  
  
 6. The cover sheet (37 CFR 1.151(c)(1)) for this provisional application has not been received.  
 7. The reply does not include the following item(s) required by the Notice:  
  
None

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

The period for reply remains as set forth in the Notice. You may, however, obtain an EXTENSION OF TIME under the provisions of 37 CFR 1.136(a) by filing a petition accompanied by the appropriate fee (37 CFR 1.17(a)).

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

***A copy of this notice MUST be returned with the reply.***

None  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

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